

Las Americas Immigrant Advocacy Center,
Plaintiff,
v.
Ken Paxton, in his official capacity as the Attorney General of Texas,
Defendant.

Case No. 3:24-cv-00352

Exhibit 1 to Complaint (Dkt. 1)



OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION DIVISION

CIVIL INVESTIGATIVE DEMAND

**To: Las Americas Immigrant Advocacy Center
1500 E. Yandell Drive
El Paso, TX 79902**

**via CMRRR: 7014 1200 0000 2192 2326
Return Date: September 27, 2024**

**c/o Registered Agent: Linda Rivas
1500 E Yandell Drive
El Paso, TX 79902**

Pursuant to this office's specific authority under § 17.61 of the Texas Deceptive Trade Practices – Consumer Protection Act, §§ 17.41-.63, Texas Business and Commerce Code ("DTPA"), Las Americas Immigrant Advocacy Center ("Las Americas") is hereby directed to produce the items listed in "**Exhibit A**" attached hereto.

You are to make available the documentary material described in "**Exhibit A**" to the undersigned Assistant Attorney General, or other authorized agent(s) identified by the Consumer Protection Division ("Division"), by the "Return Date" indicated above for inspection and copying. In lieu of producing the originals for inspection and copying at your principal place of business, you may deliver true copies of the requested documents to the Assistant Attorney General or Authorized Agent below at the Office of the Attorney General, 300 W 15th St, Austin, TX, 78701. **Contact one of the persons listed below upon receipt to discuss the logistics of producing the requested documents to the Division.**

The Division believes that Las Americas is in possession, custody, or control of documentary material relevant to the subject matter of an investigation of possible violations of §§ 17.46(a) and (b) of the DTPA, including fraudulent and deceptive legal representations and services.

TAKE NOTICE THAT pursuant to section 17.62, Texas Business and Commerce Code, any person who attempts to avoid, evade, or prevent compliance, in whole or in part, with this directive by removing, concealing, withholding, destroying, mutilating, altering, or by any other means falsifying any documentary material may be guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$5,000.00 or by confinement in the county jail for not more than one year, or both.

ISSUED THIS 30th day of August, 2024.

/s/ Rob Farquharson
Rob Farquharson
Assistant Attorney General
Rob.Farquharson@oag.texas.gov

Authorized Agent
Ryan Hanlan
Investigator
Ryan.Hanlan@oag.texas.gov

Instructions

1. **Read These Instructions and Definitions Carefully.** Your production must comply with these instructions and definitions.
2. Unless the context clearly indicates otherwise, words used in the singular include the plural, the plural includes the singular, and the neutral includes the masculine and feminine.
3. **Duty to Preserve Documents.** All documents and/or other data which relate to the subject matter or requests of this CID must be preserved. *Any ongoing, scheduled, or other process of document or data destruction involving such documents or data must cease, even if it is your normal or routine course of business to delete or destroy such documents or data or even if you believe such documents or data are privileged or otherwise protected from disclosure.* Failure to preserve such documents or data may result in legal action and may be regarded as spoliation of evidence under applicable law.
4. **Relevant dates.** The requests in this CID require production of documents from October 19, 2022, to the date of production of documents in response to this CID.
5. **Custody and Control.** In responding to the CID, you are required to produce all responsive documents in your possession, custody, or control. A document is within your custody or control if it is in the possession of another person and you have a right to possess that document that is equal or superior to that other person's right of possession.
6. **Non-Identical Copies or Drafts.** Any copy or draft of a document that differs in any manner, including the presence of handwritten notations, different senders or recipients, etc., from the original version shall be considered a distinct document and produced.
7. **Permitted Redactions for Identifying Information.** In general, all materials or documents responsive to this CID shall be produced in complete unabridged, unedited, and unredacted form, even if portions may contain information not explicitly requested or may reflect interim or final portions of documents or materials. Privileged material may be handled as set forth in instruction Number 10, below.
You may elect to redact or anonymize any portion of a document otherwise within the scope of the CID that contains information disclosing or providing Sensitive Data, as that term is defined in Texas Rule of Civil Procedure 21c. Any questions related to the precise information that you may redact at your own election should be directed to the Office of the Attorney General representatives above.
8. **Document Organization.** Each document and other tangible thing produced shall be clearly designated as to which request, and each sub-part of a request, that it satisfies. The documents produced shall be identified and segregated to correspond with the number and subsection of the request.
9. **Production Format.** You may submit photocopies (with color photocopies where necessary to interpret the document) in lieu of original hard-copy documents if the photocopies provided are true,

correct, and complete copies of the original documents. If the requested information is electronically stored information, it shall be produced in electronic form. Electronically stored information shall be produced with the accompanying metadata, TIFF images, native files, load files, and programs necessary for processing into a usable form. For any questions related to the production of documents you may consult with the Office of the Attorney General representatives above.

10. **Privilege Log.** For each document or other requested information that you assert is privileged or otherwise protected from disclosure, please provide a privilege log with a numerical list of the document(s), thing(s), or information for which privilege or protection from disclosure is claimed, and for each item provide detailed and non-conclusory information that demonstrates a prima facie claim for privilege and protection, including the following:
 - a. The name of the custodian of the withheld materials;
 - b. The name of each author, writer, sender, and creator of the materials;
 - c. The name of each recipient, addressee, and copy for whom the materials were intended, if any;
 - d. The date the materials were created;
 - e. The general subject matter of the materials; and
 - f. The factual and legal bases for the claim.
11. **Questions.** Questions concerning this Civil Investigative Demand should be directed to Assistant Attorney General Rob Farquharson at Rob.Farquharson@oag.texas.gov.

Definitions

1. **“Las Americas” or “You”** means Las Americas Immigrant Advocacy Center, their past and present officers, employees, agents and representatives, parents and predecessors, divisions, subsidiaries, affiliates, partnerships and joint ventures, and includes all persons and entities acting or purporting to act under the guidance or on behalf of any of the above. The terms “subsidiary,” “affiliate,” and “joint venture” refer to any firm in which there is total or partial ownership (25 percent or more) or control between the company and any other person or entity.
2. **“Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans” or “CHNV”** means the United States Citizenship and Immigration Services Processes for Cubans, Haitians, Nicaraguans, and Venezuelans as further explained on the following website: <https://www.uscis.gov/CHNV>.
3. **“Document”** shall be construed in the broadest sense possible and encompasses any electronically stored information, writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by You into a reasonably usable form.
4. **“Communication”** means any exchange or transmission of words or ideas to another person or an entity, including without limitation conversations, discussions, letters, memoranda, meetings, notes, speeches, or other transfer of information, whether written, oral, or by any other means, whether direct or indirect, formal or informal, and includes any document which abstracts, digests, transcribes or records any such communication. This definition extends to and encompasses electronic communications on internal chat platforms such as Slack, Microsoft Teams, Google Chat, X, etc.
5. **“Identify”** means
 - a. Regarding an individual, to identify that individual’s:
 - i. name;
 - ii. current or last known telephone numbers at business and home; and
 - iii. current or last known business and home addresses.
 - b. Regarding a person other than an individual, to identify:
 - i. its full name;
 - ii. the nature of its organization;
 - iii. the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and
 - iv. its principal line of business or activity.
 - c. Regarding any other tangible thing, to identify:
 - i. what it is, giving a reasonably detailed description thereof;
 - ii. when, where, and how it was made, if applicable;
 - iii. who made it, if applicable; and

- iv. its current custodian or the person that had last known possession, custody, or control thereof.
- 6. **“Concerning”** mean being in any way legally, logically, or factually connected with the subject matter of the request at issue.
- 7. Unless the context otherwise clearly indicates, words used in the singular include the plural, the plural includes the singular, and the neuter gender includes the masculine and the feminine.

EXHIBIT A: DOCUMENTS TO BE PRODUCED

1. All communications between Las Americas and the United States Department of Homeland Security and/or U.S. Citizenship and Immigration Services concerning the federal Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) during the relevant time period.
2. All informational documents, forms, and instructions provided by Las Americas to potential or actual immigrants and/or beneficiaries applying for the federal Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) during the relevant time period.
3. All informational documents, forms, and instructions provided by Las Americas to potential or actual supporters and/or sponsors applying for the federal Parole Program for Cubans, Haitians, Nicaraguans, and Venezuelans (CHNV) during the relevant time period.
4. Part 7 of all Form I-134A documents that Las Americas has participated in preparing.